

## REMARKS

This Request for Continued Examination (RCE) is being submitted to continue the prosecution of the case and provide the Examiner with additional time for further consideration and examination of the pending claims.

Claims 1-69 are pending. Claims 1-69 have been rejected.

### **35 U.S.C. § 103(a)**

Claims 1, 3, 7, 9, 13, 14, 18, 20, 24, 26, 30, 31, 35, 37, 41, 43, 47, 48, 52, 53, 58, 60, 64 and 65 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey (US006449491) in view of Hamalainen (US005966378A). Applicants respectfully traverse the rejection.

For purposes of the brevity, the Applicants' previous amendments and remarks on the record are also incorporated into this response.

The Examiner acknowledges that the primary reference Dailey is defective, because "it fails to expressly disclose avoiding a race condition between the service origination process and paging."

The Examiner then applies Hamalainen as a secondary reference to make up for the deficiencies of the primary reference. The Applicants respectfully submit that the deficiencies still exist and request that the rejection be withdrawn.

Claim 1 of the Applicants' invention recites, *inter alia*, avoiding a race condition between the service origination process and paging by performing at least one of the following:  
configuring a communications manager (CM) to not respond immediately to the floor-control request;

coordinating operation of a packet serving node (PDSN) which receives a CM initiated response and a mobile switching center (MSC) which responds to a talker's service origination request; and

not issuing a service origination request until after a talker mobile station (MS) has received a response to the floor-control request.

Hamalainen discloses a method for avoiding collisions in radio communication. The Office Action specifically refers the Applicants to col. 3, lines 6-14 of Hamalainen which states that collisions between transmissions in the uplink and downlink are prevented in a time divided system in two-way communication by detecting the time slot used in the first direction of communication and by selecting, based upon the detection, for the second direction of communication such a time slot which will not overlap the time slot used in the first direction of communication.

The Applicants would like the Examiner to note that unlike the Applicants' claimed invention, Hamalainen limits their invention to a time division multiple access (TDMA/GSM) system [see underlining above, as well as the entire first paragraph under the Detailed Description of the Invention] in col. 4 of Hamalainen.]

Also, please note that the Hamalainen system uses time slot detection in a first direction of communication in a time divided system and by selecting, based upon the detection, for the second direction of communication such a time slot which will not overlap the time slot used in the first direction of communication.

This is in contrast to the Applicants' claimed invention which does not use time division multiplexing to operate, nor does it need to determine any information direction of communications that are supported. Additionally, there is no need to use time slot detection as disclosed by Hamalainen.

Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claim 1 be allowed.

Claim 2 is a dependent claim that depends upon independent claim 1 and should be allowed for at least the same reasons presented above for independent claim 1 as well as the additionally recited features found in this claim.

Claims 7, 13, 18, 24, 30, 35, 41, 47, 52, 58 and 64 are independent claims that have been amended in a manner similar to independent claim 1 and should be allowed for at least the same reasons presented above regarding independent claim 1 as well as their additionally recited features.

Claims 3, 9, 14, 20, 26, 31, 37, 43, 48, 53, 60 and 65 are dependent claims that depend upon independent claims 7, 13, 18, 24, 30, 35, 41, 47, 52, 58 and 64 respectively and should be allowed for at least the same reasons presented above regarding the independent claims that they depend upon.

Claims 2, 8, 19, 25, 36, 42, 53 and 59 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey in view of Hamalainen and further in view of Phillips et al. (US005873023A). Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary reference, Dailey, is defective because it fails to teach or suggest the use of any of the following: the use of a reverse access channel, the use of a reverse enhanced access channel, and the use of a forward common control channel.

The Examiner then applies Dailey and Phillips et al. as secondary and tertiary references to make up for the deficiencies of the primary reference.

Without acquiescing to the propriety of the rejection and in the interest of furthering prosecution on the merits, the Applicants respectfully submit that the present claim amendments

have also rendered this rejection moot, for the same reasons presented above regarding independent claim 1, as well as the additionally recited features found in these claims.

For at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 2, 8, 19, 25, 36, 42, 53 and 59 be allowed.

Claims 4, 5, 10, 11, 16, 21, 22, 27, 28, 33, 38, 39, 44, 45, 50, 55, 56, 61, 62, and 67 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey in view of Hamalainen in view of Kumar et al.. Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary reference, Dailey, is defective because it fails to teach or suggest the use of any of the following: the use of a reverse access channel, the use of a reverse enhanced access channel, and the use of a forward common control channel.

The Examiner then applies Hamalainen and Kumar et al. as secondary and tertiary references to make up for the deficiencies of the primary reference.

Without acquiescing to the propriety of the rejection and in the interest of furthering prosecution on the merits, the Applicants respectfully submit that the present claim amendments have also rendered this rejection moot, for the same reasons presented above regarding independent claim 1, as well as the additionally recited features found in these claims.

For at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 4, 5, 10, 11, 16, 21, 22, 27, 28, 33, 38, 39, 44, 45, 50, 55, 56, 61, 62, and 67 be allowed.

Claims 6, 12, 23, 29, 40, 46, 51, 57, 63, 68 and 69 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey in view of Hamalainen in view of Wang et al. (US20020055364A1). Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary reference, Dailey, is defective because it fails to teach or suggest the use of messages in short data burst (SDB) form.

The Examiner then applies Hamalainen and Wang et al. as secondary and tertiary references to make up for the deficiencies of the primary reference.

Without acquiescing to the propriety of the rejection and in the interest of furthering prosecution on the merits, the Applicants respectfully submit that the present claim amendments have also rendered this rejection moot for the same reasons presented above regarding independent claim 1, as well as the additionally recited features found in these claims.

Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 6, 12, 23, 29, 40, 46, 51, 57, 63, 68 and 69 be allowed.

Claims 15, 32, 49 and 66 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey in view of Hunzinger (U.S. 20020082032A1). Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary reference, Dailey, is defective because it fails to teach or suggest receiving an acknowledgment on the forward paging channel.

The Examiner then applies Hamalainen and Hunzinger as secondary and tertiary references to make up for the deficiencies of the primary reference.

Without acquiescing to the propriety of the rejection and in the interest of furthering prosecution on the merits, the Applicants respectfully submit that the present claim amendments have also rendered this rejection moot for the same reasons presented above regarding independent claim 1, as well as the additionally recited features found in these claims.

Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 15, 32, 49 and 66 be allowed.

The Applicants would also like to encourage the Examiner to contact the undersigned for any further information, actions or clarifying amendments that would encourage favorable disposition of the application and allowance of all the pending claims.

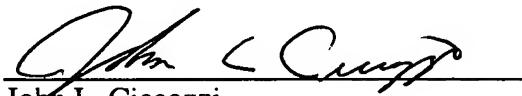
## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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